



SUSANA
MARTINEZ
Governor

JOHN A. SANCHEZ
Lt. Governor

NEW MEXICO ENVIRONMENT DEPARTMENT

Harold Runnels Building
1190 South St. Francis Drive (87505)
P.O. Box 5469, Santa Fe, NM 87502-5469
Phone (505) 827-0187 Fax (505) 827-0160
www.env.nm.gov



BUTCH TONGATE
Cabinet Secretary

J. C. BORREGO
Deputy Secretary

Certified Mail – Return Receipt Requested

August 21, 2017

Mr. Ray Levengood, President
Western Wood Products, Inc.
181 NM State Hwy 555
Raton, NM 87740

**Re: Western Wood Products, Inc., Raton, Colfax County, New Mexico; Unpermitted MSGP;
SIC 2448; Compliance Evaluation Inspection; NPDES Tracking No. NMU001935; July 20,
2017**

Dear Mr. Levengood:

Enclosed please find a copy of the report for the referenced inspection that the New Mexico Environment Department (NMED) conducted at your facility on behalf of the U.S. Environmental Protection Agency (USEPA). This inspection report will be sent to the USEPA in Dallas for their review. These inspections are used by USEPA to determine compliance with the National Pollutant Discharge Elimination System (NPDES) permitting program in accordance with requirements of the federal Clean Water Act.

You are encouraged to review the inspection report, required to correct any problems noted during the inspection, and advised to modify your operational and/or administrative procedures, as appropriate. If you have comments on or concerns with the basis for the findings in the NMED inspection report, please contact us (see the address below) in writing within 30 days from the date of this letter. Further, you are encouraged to notify in writing both the USEPA and NMED regarding modifications and compliance schedules at the addresses below:

Robert Houston
Environmental Protection Agency, Region 6
NPDES Enforcement Branch (6EN-WS)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Sarah Holcomb, Program Manager
New Mexico Environment Department
Surface Water Quality Bureau (N2050)
Point Source Regulation Section
P.O. Box 5469
Santa Fe, New Mexico 87502

If you have any questions about this inspection report, please contact Erin S. Trujillo at 505-827-0418 or erin.trujillo@state.nm.us.

Sincerely,

/s/Shelly Lemon

Shelly Lemon, Chief
Surface Water Quality Bureau

Mr. Levensgood, Western Wood Products, NMU001935

August 21, 2017

Page 2 of 2

cc: Carol Peters-Wagnon, USEPA (6EN-WM) by e-mail
David Long, USEPA (6EN-WM) by e-mail
David Esparza, USEPA (6EN-WM) by e-mail
Amy Andrews, USEPA (6EN-WM) by e-mail
Robert Houston, USEPA (6EN)
Darlene Whittten-Hill, USEPA (6EN) by e-mail
Robert Italiano, NMED District II by e-mail



Form Approved
OMB No. 2040-0003
Approval Expires 7-31-85

NPDES Compliance Inspection Report

Section A: National Data System Coding

Transaction Code	NPDES	yr/mo/day	Inspec. Type	Inspector	Fac Type
1 N 2 5 3 N M U 0 0 1 9 3 5 11 12 1 7 0 7 2 0 17 18 ~ 19 S 20 2					
Remarks					
T I M B E R P R O D U C T S M A N U F A C T U R E R					
Inspection Work Days	Facility Evaluation Rating	BI	QA	Reserved	
67 69	70 2	71 N	72 N	73 74 75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time /Date ~ 0830 hours / 07/20/2017	Permit Effective Date 2015 MSGP August 12, 2015
Western Wood Products, Inc., 181 NM State Hwy 555, Raton, NM 87740. Colfax County	Exit Time/Date ~ 1030 hours / 07/20/2017	Permit Expiration Date 2015 MSGP June 4, 2020
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
See below	Entrance Latitude: 36.859070° Longitude: -104.468798°	
Name, Address of Responsible Official/Title/Phone and Fax Number	SIC 2448 MSGP Sector A (Timber Products)	
Mr. Raymond D. Levensgood, President, Western Wood Products, Inc., 181 NM State Hwy 555, Raton, NM 87740 / 575-445-1300	Contacted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Section C: Areas Evaluated During Inspection (S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)

U	Permit	N	Flow Measurement	N	Operations & Maintenance	N	CSO/SSO
N	Records/Reports	N	Self-Monitoring Program	N	Sludge Handling/Disposal	N	Pollution Prevention
M	Facility Site Review	N	Compliance Schedules	N	Pretreatment	N	Multimedia
N	Effluent/Receiving Waters	N	Laboratory	M	Storm Water	N	Other:

Section D: Summary of Findings/Comments (Attach additional sheets if necessary)

See attached report and further explanations.

Name(s) and Signature(s) of Inspector(s) Erin S. Trujillo /s/Erin S. Trujillo	Agency/Office/Telephone/Fax NMED/SWQB / 505-827-0418	Date 08/21/2017
Signature of Management QA Reviewer Jennifer Foote /s/Jennifer Foote	Agency/Office/Phone and Fax Numbers NMED/SWQB / 505-827-0596	Date 08/21/2017

Western Wood Products, Inc.
Compliance Evaluation Inspection
NPDES Tracking No. NMU001935
July 20, 2017

Further Explanations

Introduction

On July 20, 2017, a Compliance Evaluation Inspection (CEI) was conducted by Erin S. Trujillo of the State of New Mexico Environment Department (NMED), Surface Water Quality Bureau (SWQB) at Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740 in Colfax County. NMED performs a certain number of CEIs for the United States Environmental Protection Agency (USEPA) each year. The purpose of this inspection was to document the operator's status or compliance with the Federal Clean Water Act (CWA), National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater discharges associated with industrial activity under 40 Code of Federal Regulations (CFR) 122.26 and USEPA industrial stormwater Multi-Sector General Permit (MSGP).

More information on federal CWA, NPDES regulations and the MSGP is provided in Appendix A. Categories of facilities considered to be engaging in "industrial activity" for purposes of 40 CFR 122.26(b)(14)(ii) include facilities classified within Standard Industrial Classification (SIC) 24 Lumber and Wood Products, Except Furniture, Industry Groups 242 through 249. For example, included in SIC 2421 (Sawmills and Planing Mills, General) are "*establishments primarily engaged in sawing rough lumber and timber from logs...planing mills combined with sawmills....*" Examples of potential pollutants associated with the manufacture of timber products and associated activities are listed in Appendix B.

This report is based on review of USEPA's on-line notice of intent (eNOI) database, files maintained by NMED, on-site observation by NMED personnel, and verbal and written information provided by the operator's representative. Additional information was obtained from on-line sources including the facility's website at <http://www.westernwoodproducts.net/>. Site maps and imagery from readily-available on-line sources are provided in Appendix C. Photo documentation is provided in Appendix D.

Inspection Details

Upon arrival at approximately 0830 hours on the day of this inspection, Ms. Trujillo made introductions, presented credentials to Mr. Raymond D. Levengood, President, Western Wood Products, Inc. and discussed the purpose of the inspection. The inspector and Mr. Levengood toured the facility. Following the tour, the inspector conducted an on-site exit interview to discuss preliminary findings with Mr. Levengood and Ms. Roberta Trujillo, Dispatcher, Western Wood Products, Inc. Information on the USEPA 2015 MSGP was provided to the operator representatives during the exit interview. The inspector left the facility at approximately 1030 hours on the day of this inspection.

Receiving Waters

Stormwater discharges are generally to the south to the Canadian River in Segment 20.6.4.305 of the New Mexico Administrative Code (NMAC). Canadian River, from Cimarron River to the Colorado-New Mexico border, has designated uses of irrigation, marginal warmwater aquatic life, livestock watering, wildlife habitat and primary contact. Canadian River Assessment Unit NM-2305.A_200 does not support marginal warmwater aquatic life and is listed as impaired for nutrient/eutrophication biological indicators. A Total Maximum Daily Load (TMDL) was prepared for nutrients in 2011. Additional information is available in USEPA approved 2016-2018 State of New Mexico Clean Water Act (CWA) §303(d)/§305(b), Integrated Report and List at <https://www.env.nm.gov/swqb/303d-305b/2016-2018/index.html>). The Canadian River TMDL is available at <https://www.env.nm.gov/swqb/Canadian/Pt2/index.html>.

On-Site Industrial Activity, Pollutant Sources and Pollutants

Western Wood Products, Inc. is listed as an active Cheyenne, Wyoming foreign profit corporation with a May 31, 2006 date of authority (Source: at New Mexico Secretary of the State on-line corporation search http://www.sos.state.nm.us/Business_Services/Corporations_Overview.aspx).

Products from the wood production and treatment facility at Raton include pressure-treated and non-treated lumber including round wood (e.g., fence posts, rails, posts and poles); dimensional sawn timbers; landscaping and ground cover bark and wood chips; and specialty items (e.g., “Vegas” or poles, furniture grade material, wood fuel pellets). The facility includes material storage yards, a vehicle and equipment maintenance shop, vehicle fueling, debarking equipment, saw mill, dowel mill, and treatment plant. Mr. Levengood described that the chemical treatment activities and associated chemical storage was enclosed in the treatment plant building which has monitoring wells between a liner and concrete sloped slab.

Storm water flow from the industrial activity manufacturing, processing and materials storage areas at the facility appeared to be to the south-southeast based on drainage ditches and shallow erosional rills in the south-southeast corner of the site. A vegetated stormwater ditch was observed along the eastern property boundary and water collects in an excavation in the southeast corner of the site. Flow from a City broken potable water line was observed near, but appeared to infiltrate before reaching, the ditch. Stormwater runoff had collected along the eastern property boundary and water existed in an excavation in the southeast corner of the site. Constructed berms were observed along portions of the southern property boundary. No stormwater or non-stormwater discharges from the facility were observed on the day of this CEI.

Findings

- Western Wood Products, Inc. appears to be an operator engaging in industrial activities and did not obtain permit coverage for stormwater discharges by the deadlines in USEPA’s NPDES 2008 or 2015 MSGP. Western Wood Products, Inc. did not update a site-specific Stormwater Pollution Prevention Plan per conditions in the USEPA’s NPDES 2015 MSGP.

Additional Information: A copy of the Notice of Intent (NOI) for the operator was not found in a review of USEPA’s Enforcement and Compliance History On-line (ECHO) database at <https://echo.epa.gov> and was not found in USEPA’s 2008 on-line query at [https://ofmpub.epa.gov/apex/aps/f?p=MSGP_2008:HOME:::.](https://ofmpub.epa.gov/apex/aps/f?p=MSGP_2008:HOME:::)”

During this CEI, Mr. Levengood described that he believed that the facility had permit coverage for stormwater discharges, but was unaware that the permit expired. Mr. Levengood provided written documents labeled “Stormwater Pollution Prevention Plan (SWPPP)” that included a signed, but incomplete (not dated) Notice of Intent form (EPA 3510-6, Revised 08-2000, Expires 04-2003 from the October 30, 2000 Federal Register). The incomplete form was annotated with “*Mailed 12/11/2006.*” Additional documentation of submitting the form in 2006 and USEPA receipt and acknowledgement of the mailed NOI was not readily available and/or not provided during this CEI. The facility’s SWPPP included blank forms; site map showing the location of Outfall 001 in the southeast corner of the site, locations of dykes and ditches; and quarterly visual inspection recordkeeping consisting only of initials from 1st Quarter 2007 to 3rd Quarter 2014.

- The facility had outside vehicle and equipment fueling, storage of raw material, intermediate products, final product, and by-products and material handling that would come into contact with stormwater. Other potential sources of pollutants included portable toilets at various locations. Oily residue on containers and staining of the surface soils existed around the fueling and waste oil storage area was observed. Housekeeping at the site did not appear orderly with numerous unused product buckets, drums and broken pallets.

Attachment A

Summary of the Federal Clean Water Act (CWA) and Industrial Stormwater Permit Requirements

Section 301 (a) of the Federal Water Pollution Control Act states that *“Except as in compliance with this section and sections 302, 306, 307, 318, 402 and 404 of this Act, the discharge of any pollutant by any person shall be unlawful.”* Federal regulations in 40 CFR Part 122.21(a) Duty to apply (1) states: *“Any person who discharges or proposes to discharge pollutants...must submit a complete application to the Director in accordance with this section and part 124 of this chapter.”*

Industrial stormwater has been regulated since the promulgation of United States Environmental Protection Agency (USEPA) Phase I stormwater program in 1990 under the federal Clean Water Act (CWA). Eleven (11) categories of “Storm Water Discharges Associated with Industrial Activity” are defined in 40 CFR 122.26(b)(14)(i)-(xi) that require coverage under an National Pollutant Discharge Elimination System (NPDES) permit. The definition uses either Standard Industrial Classification (SIC) codes or narrative descriptions to characterize the activities. SIC codes have been replaced by the North American Industry Classification System (NAICS), but continue to be utilized. On-line information on SIC and NAICS is available at:

<https://www.osha.gov/pls/imis/sicsearch.html>

<http://www.census.gov/eos/www/naics/index.html>

In the State of New Mexico, USEPA administers the NPDES Multi-Sector General Permit (MSGP) for stormwater discharges associated with industrial activity and the first permit industrial stormwater permit was published on September 29, 1995 (Federal Register Volume 60, No. 189 on Friday 29, 1995, page 50953). USEPA’s 1995 MSGP listed pollutants associated with the various regulated sectors. USEPA’s MSGP was reissued in 2000, 2008 and 2015. To obtain permit coverage under the MSGP, an operator must complete or update a written Stormwater Pollution Prevention Plan (SWPPP) that documents eligibility for permit coverage, and submit a notice of intent (NOI) to the USEPA each time the permit is reissued.

Among other things, requirements in the MSGP include site-specific best management practices (BMPs), maintenance plans, inspections, employee training and annual reporting. BMPs include good housekeeping practices, minimizing exposure, erosion and sediment control, and management of runoff. Under the permit, operators must also comply with sector-specific requirements associated with the primary industrial activity and any co-located industrial activities. Operators are responsible for identify the 4-digit SIC code or 2-letter Activity Code that best represents the products produced or services rendered for which the facility is primarily engaged, co-located activities, and the applicable sector and subsector (See 2015 MSGP Appendix D, Facilities and Activities Covered). The MSGP also requires visual, and, for some sectors, analytical monitoring, to determine the effectiveness of implemented BMPs.

USEPA has developed a fact sheet for each of the 29 industrial sectors regulated by the MSGP. Each fact sheet describes the types of facilities included in the sector, typical pollutants associated with the sector, and types of stormwater control measures used to minimize the discharge of the pollutants. Fact sheets providing sector-specific BMP guidance for good housekeeping practices, minimizing exposure, erosion and sediment control, and management of runoff are available at:

<https://www.epa.gov/npdes/industrial-stormwater-fact-sheet-series>.

The current MSGP went into effect on June 4, 2015 and expires on June 4, 2020. More information on USEPA’s MSGP, including updated Notice of Intent (NOI) requirements, SWPPP and inspection templates, and reporting forms, is available at:

<https://www.epa.gov/npdes/stormwater-discharges-industrial-activities>.

Attachment B

MSGP Sector A – Timber Products Examples of Common Activities, Pollutant Sources and Associated Pollutants

Table 1. Common Activities, Pollutants Sources, and Associated Pollutants at Timber Products Facilities

Activity	Pollutant Source	Pollutant
Log storage and handling	Exposure of lumber to precipitation	Bark and wood debris, total suspended solids (TSS), and leachates (which can contain high levels of TSS and biochemical oxygen demand (BOD))
Untreated lumber and residue generation activities and untreated wood materials storage	Exposure of lumber and residues to precipitation	Bark and wood debris, TSS, and leachates (which can contain high levels of TSS and BOD)
Wood surface protection activities and chemicals and surface protected materials storage	Spills from surface protection areas and storage and mixing tank areas; treated wood drippage, transport, and storage; and fugitive emissions from spraying	Chemicals (used for surface protection), BOD, chemical oxygen demand (COD), and TSS
Wood preservation activities and chemicals and preserved wood material storage	Drippage after pressurized treatment; washing after preservation: spills and leaks from process equipment and preservative tanks; fugitive emissions; and kick-back	Chemicals (specific toxics dependant on the preserving formulations used), BOD, TSS, oil, and grease

Table 1. Common Activities, Pollutants Sources, and Associated Pollutants at Timber Products Facilities (continued)

Activity	Pollutant Source	Pollutant
Wood assembly/fabrication activities and final fabricated wood product storage	Exposure of lumber, residues, and vehicles/equipment to precipitation	BOD, TSS, oil, and grease
Equipment/vehicle maintenance, repair, and storage	Parts cleaning	Solvents, oil, heavy metals, acid/alkaline wastes
	Waste disposal of oily rags, oil and gas filters, batteries, coolants, degreasers	Oil, heavy metals, solvents, acids
	Fluid replacement including hydraulic fluid, oil, transmission fluid, radiator fluids, and grease	Oil and grease, arsenic, lead, cadmium, chromium, COD, and benzene
Vehicle fueling	Diesel fuel	Diesel, gasoline, oil

Source: Industrial Stormwater Fact Sheet Series, Sector A: Timber Products Facilities, U.S. EPA Office of Water EPA-833-F-06-016 December 2006, https://www.epa.gov/sites/production/files/2015-10/documents/sector_a_timber.pdf

Appendix C

Figures

Figure 1 - General Site Location
Topo Map Image Source from NMED SWQB Mapper at <https://gis.web.env.nm.gov/SWQB/>



Figure 2 – Site and Adjacent Area (Google Earth Imagery Date 05/01/2014)



Attachment D

NMED/SWQB Photograph Log

NMED/SWQB Official Photograph Log Photo # 1		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0911 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Example of timber storage and heavy equipment at site.		



NMED/SWQB Official Photograph Log Photo # 2		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0916 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Looking south, water existed in excavation near southeast corner of property.		



NMED/SWQB Official Photograph Log Photo # 3		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0919 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Looking west-northwest from southwest corner of site, example of logs and heavy equipment along and near the southern fence line.		



NMED/SWQB Official Photograph Log Photo # 4		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0933 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Looking west, examples of product storage, miscellaneous debris and portable toilet on site.		



NMED/SWQB Official Photograph Log Photo # 5		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0950 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Standing water along eastern property boundary.		



NMED/SWQB Official Photograph Log Photo # 6		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0952 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Drum, fuel and waste oil storage area. Arrow points to staining of surface soils and drum at fuel tank.		



NMED/SWQB Official Photograph Log Photo # 7		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0955 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Arrows point to examples of stained soil at fueling area shown in previous photo #6.		



NMED/SWQB Official Photograph Log Photo # 8		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 0956 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Arrows point to oily residue on containers and stained soils at used oil storage area shown in previous photo #6.		



NMED/SWQB Official Photograph Log Photo # 9		
Photographer: Erin S. Trujillo	Date: 07/20/2017	Time: 1001 hours
City/County: South of Raton, New Mexico / Colfax County		State: New Mexico
Location: Western Wood Products, Inc., 181 State Hwy 555, Raton, New Mexico 87740		
Subject: Examples of materials and product bucket storage at maintenance shop shown in previous photo #6.		

